



File Code: 1570

Date: March 20, 2015

Roger Flynn
Counsel for Objectors
Western Mining Action Project
P.O. Box 349
Lyons, , CO 80540

Dear Mr. Flynn,

This is my decision on the objection you filed regarding the La Sal Mines Complex Plan of Operations Amendment (POA) Project Environmental Assessment (EA) and Draft Decision Notice and Finding of No Significant Impact (Draft DN/FONSI).

The Legal Notice of the objection period for the La Sal Mines Complex Plan of Operations Amendment Project Environmental Assessment (EA) was published on November 20, 2014. I received your objection on this Project on behalf of Uranium Watch on December 22, 2014 you were eligible to file an objection and your objection letter was filed during the objection-filing period.

Attached to this letter is my written response to your objections. As required by 36 CFR 218.11(b), "The Reviewing Officer must issue a written response to objector(s) concerning their objection(s) within 45 days following the end of the objection-filing period. As per 36 CFR 218.26(b) The Reviewing Officer has the discretion to extend the time for up to 30 days when he or she determines that additional time is necessary to provide adequate response to objections or to participate in resolution discussions with the objector(s)."

Project Summary

The POA (CDM 2010a) was submitted by Denison in accordance with BLM and FS regulations. The BLM and the FS are obligated to process the POA and to complete a NEPA assessment of the potential effects of the proposed action and alternatives.

The La Sal Mines Complex is a group of four existing underground uranium mines: the La Sal Mine, the Pandora Mine, the Beaver Shaft Mine, and the Snowball Mine. The mines are located near of the town of La Sal, in San Juan County, Utah. Prior to interim shutdown, Energy Fuels excavated uranium-bearing rock from a network of underground tunnels and rooms, and transported this rock to the surface. The ore was then transported off-site for mineral processing to the White Mesa Mill located near Blanding, Utah. The La Sal Mines Complex has been operating since the 1970's with intervening periods of decreased or increased uranium production, which occurred in relation to changing economic conditions. Vanadium is also produced as a by-product of uranium production.

Although mining is conducted 800 to 1,000 feet (ft) below the surface, some surface disturbance is incident to uranium ore production. This surface disturbance includes:

- ☐ Ventilation shafts, which are vertical bore holes that allow air to enter or exhaust from the underground tunnels.
- ☐ Portals that provide for transportation into and out of the mine via mine shafts (vertical tunnels) and mine adits (sub-horizontal tunnels).



- ☐ Buildings and other ancillary infrastructure necessary to support the underground mines.
- ☐ Development rock storage areas, which contain rock that must be excavated to reach ore within the underground mine.

The La Sal Mines Complex is located on Federal lands managed by BLM or FS, state lands managed by the Utah State Institutional Trust Lands Administration (SITLA), and private lands as shown on Figure 1-2. BLM and FS are responsible for management of surface resources on Federal lands under their jurisdiction, and uranium mining activities occurring on those lands must be permitted in accordance with BLM regulations at 43 CFR 3809 or FS regulations at 36 CFR 228 Subpart A. Previously approved plans of operations are in place, which address existing mine-related disturbance. Additional information regarding the location of the La Sal Mines Complex is presented in the proposed POA (CDM 2010a).

Objection Summary

You objected to many aspects of the analysis and draft decision including but not limited to violations of NEPA and ESA, the lack of best sciences, lack of adequate cumulative impacts analysis, and adequate range of alternatives considered, as well as the adequacy of the Plan of Operations, concerns for human economics, health, and safety, and your final summation that at a minimum, any future draft decision to approve the POA must be accompanied by an EIS.

I considered these issues and others and while I found the analysis did respond to some of your concerns, I also found information, rational, and supporting data lacking in the project record and EA. I also found that due to this lack of information the FONSI was not fully supported, however neither is there enough information in the record to support a finding of significant impact and the need to complete an EIS as indicated by your objections.

Conclusion

The FONSI is not supported by the information found in the EA and the project record. There are statements that lack rational and conclusions formed without supporting data. A decision made from this record would not be well informed, for these reasons I am instructing Forest Supervisor, Brian Pentecost to refrain with issuance of a Decision Notice for this project until all concerns and instructions identified in the attached objection response have been completed. Once those instructions are complete, Forest Supervisor Brian Pentecost may review the EA and FONSI and when the analysis supports the findings he may issue a decision for this project.

There will be no further review of this response by any other Forest Service or U.S. Department of Agriculture official as per 36 CFR 218.11(b)(2).

Sincerely,

/s/ George C. Iverson

GEORGE C. IVERSON
Objection Reviewing Officer

Attachment: Objection Response

cc: Uranium Watch
Living Rivers

Grand Canyon Trust
Center for Biological Diversity
Information Network for Responsible Mining